S.B.CRIMINAL MISC. BAIL APPLICATION NO.4354/2007

(Ravindra Kumar & Anr. vs. State of Rajasthan)

DATE OF ORDER : September 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.Rahul Bathi, for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned.

From perusal of the order impugned, it appears that earlier the matter was investigated on two occasions and the police did not find any case against the petitioners and submitted negative final report. However, the investigation has been changed. It appears that the parties approached to the Revenue Court and the matter reached up to the Board of Revenue. Thus, the issue is subjudiced before the Revenue Court.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having regard to the facts and circumstances of the case, I think it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Ravindra Kumar s/o Lalu Ram and Smt. Durga Devi w/o Ravindera Kumar in FIR No.442/2005, P.S. Pratapgarh, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-